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FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Case No.

BY: *[Signature]*

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)  
 Transportation of Illegal  
 Aliens

UNITED STATES OF AMERICA,

Plaintiff,

v.

Olivo BARAJAS-Perez,

Defendant(s)

The undersigned complainant, being duly sworn, states:

On or about **April 12, 2008**, within the Southern District of California, defendant **Olivo BARAJAS-Perez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Antonio CHAVARRIA-Hernandez**, **Carlos CHAVARRIA-Hernandez**, and **Julian AYALA-Estrada** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*[Signature]*

SIGNATURE OF COMPLAINANT

James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF APRIL 2008

*[Signature]*

Barbara L. Major  
 UNITED STATES MAGISTRATE JUDGE

M/P

**CONTINUATION OF COMPLAINT:****Olivo BARAJAS-Perez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Antonio CHAVARRIA-Hernandez**, **Carlos CHAVARRIA-Hernandez**, and **Julian AYALA-Estrada** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 12, 2008, at approximately 1:10 p.m., Senior Patrol Agent Jones and Supervisory Border Patrol Agent Curtin were conducting surveillance of an area known as Triple Nickel in the Chula Vista Border Patrol Stations area of responsibility. The Triple Nickel is a stretch of Alta Road and is located approximately 1 mile east and 2 miles north of the Otay Mesa Port of Entry.

At this time, Agent Jones and Agent Curtin were positioned about one half of a mile east of the Triple Nickel in unmarked Agency Vehicles when they noticed a group of four individuals come out of some brush, and walk westbound. The individuals walked to some bushes that were positioned directly east of Alta Road near the Triple Nickel. This area is the first road that undocumented aliens come across when attempting to further their entry north.

At approximately 3:05 p.m., a 2000 green Mustang Convertible and 2001 silver Chrysler Sebring were traveling northbound on Alta Road and came to a stop in front of the bushes where the four individuals were hiding. The vehicles made a U-turn and stopped in front of the bushes again. The drivers of both vehicles jumped out and opened the doors of both the vehicles. The group exited their hiding place in the bushes and jumped into the open doors of the vehicles. The vehicles then proceeded southbound on Alta Road. Agent Jones notified SIG and the marked units that the vehicles were approaching the intersection of Alta Road and Otay Mesa Road. Supervisory Border Patrol Agent D. Holt was waiting at the intersection and initiated a vehicle stop. Both vehicles accelerated and a pursuit ensued. Agent Holt was pursuing the vehicles and decided to terminate the pursuit at Enrico Fermi Road and Otay Mesa Road because the vehicle would not yield to his fully marked agency vehicle with lights and sirens.

SIG was positioned approximately one fourth of a mile west of Enrico Fermi on Otay Mesa Road. SIG Agent E. Penagos successfully deployed a controlled tire deflation device. The spikes penetrated the Mustangs right front tire and the Chrysler was able to swerve and miss the spikes. The Mustang continued at a high rate of speed and was lost in traffic until it was found several miles away on Olympic Parkway in Chula Vista, California.

The Chrysler continued westbound at a high rate of speed passing vehicles on the shoulder and running the red light at State Route 905 and I-125 with SIG Agents C. Doble and S. Lubin following. After passing through the red light the vehicle began to slow due to overheating. The driver of the Chrysler later identified as **Olivo BARAJAS-Perez** jumped from the vehicle while it was still in motion. BARAJAS tumbled several times in the middle of SR 905 forcing three separate vehicles to swerve in order to avoid hitting him. BARAJAS came to his feet and ran northbound into an open field pursued on foot by SIG Agent Penagos. The Chrysler continued westbound as it was left in gear. Agent Doble pulled along side of the still moving Chrysler and motioned for the front passenger to jump into the drivers seat to regain control of the vehicle. After traveling without a driver for approximately 1/8 mile in heavy traffic, the passenger grabbed the steering wheel and forced the vehicle to the side of the road where it came to a stop against the curb at SR 905 and La Media Road.

**CONTINUATION OF COMPLAINT:**

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**Olivo BARAJAS-Perez**

SIG agents arrived and removed the remaining 5 occupants out of the vehicle. Agent Lubin identified herself as a Border Patrol Agent and conducted an immigration interview. All five stated that they were citizens and nationals of Mexico without any immigration documents allowing them to be in or remain in the United States legally. At approximately, 3:15 p.m., all five were arrested and transported to the Chula Vista Station for processing.

Agent Penagos was able to apprehend to BARAJAS approximately 200 yards north from where he jumped out of the vehicle in the open field. Agent Penagos identified himself as a Border Patrol Agent conducted an immigration interview. BARAJAS stated that he is a citizen and national of Mexico without any immigration documents allowing him to be in or remain in the United States legally. At approximately 3:20 p.m., Agent Penagos arrested BARAJAS and he was transported to the Chula Vista Station for processing.


**DEFENDANT STATEMENT:**

The defendant was advised of his Miranda Warnings at approximately 7:02 p.m. and was willing to make a statement without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without the proper documentation. He stated he met a man by the name of Edgar PARTIDA who offered him \$100.00 per alien he successfully smuggled across the border. He stated that when they reached the loading spot he noticed the Border Patrol vehicles and was instructed not to stop by PARTIDA. He claims he did in fact hear the sirens and did admit to putting the lives of the individuals in the car and the general public in danger. He freely admitted to being arrested previously for alien smuggling.

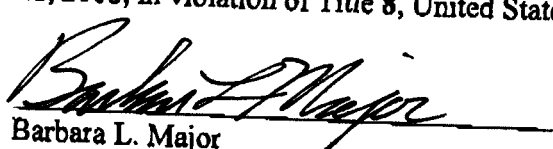
**MATERIAL WITNESSES STATEMENTS:**

Material witnesses Antonio CHAVARRIA-Hernandez, Carlos CHAVARRIA-Hernandez, and Julian AYALA-Estrada all freely admitted to being citizens and nationals of Mexico without the proper documentation to be in the United States legally. All individuals were going to pay \$1,600.00 to be successfully smuggled into the United States. Carlos CHAVARRIA-Hernandez stated since the driver bailed out of the vehicle while it was still in motion he had to steer the vehicle into the curb in order for it to stop. He further stated if he hadn't have stopped the vehicle it would have caused an accident at the intersection. When shown a photo lineup of the individuals that crossed illegally in their group all witnesses identified everyone in the line up except photograph #3. Photograph #3 contains the picture of the defendant Olivo BARAJAS-Perez.

Executed on April 13, 2008 at 9:00 a.m.

  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 11, 2008, in violation of Title 8, United States Code, Section 1324.

  
Barbara L. Major

United States Magistrate Judge

4/13/08 at 9:43am  
Date/Time